



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

MAY 4 2004

Diana Harcourt

North Little Rock, AR 72116

Re: MUR 5366

Dear Ms. Harcourt:

The Federal Election Commission is the independent agency of the United States government that administers and enforces the Federal Election Campaign Act of 1971, as amended ("the Act"). During the normal course of its supervisory activities, the Commission became aware of information suggesting that you may have violated the Act regarding a contribution you made to John Edwards's presidential campaign on March 3, 2003.

On April 14, 2004, the Commission found that there is reason to believe that you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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The media have reported that certain law firms and individuals supposedly made questionable contributions to the Edwards Committee. Most specifically, the *Washington Post* reported that paralegals at Turner & Associates received assurances that they would be reimbursed for their contribution to the Edwards Committee.<sup>2</sup> According to the *Post*, Tab Turner, the principal of the firm, responded by denying that anyone would be reimbursed.

Given the specific allegations of a reimbursement scheme by Tab Turner and his law firm, and given the reported comments from paralegals that Mr. Turner promised them reimbursements for their contributions, further investigation into this matter is warranted. If Ms. Keylon's contribution was reimbursed, then Ms. Keylon may have violated the Act, which prohibits any person from making a contribution in the name of another person, knowingly permitting his or her name to be used to effect contributions in the name of another person, and from knowingly assisting in making such contributions. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii). Therefore, there is reason to believe that Jennifer Keylon violated 2 U.S.C. § 441f.

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<sup>2</sup> *See, e.g.,* Thomas Edsall and Dan Balz, *Edwards Returns Law Firm's Donations*, WASH POST, Apr. 18, 2003 at A1; Thomas Edsall, *Law Firm's Donations to Edwards Probed*, WASH POST, Apr. 24, 2003 at A4.

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This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Brant Levine, the attorney assigned to this matter, at (202) 694-1572 or (800) 424-9530 ext. 1572.

Sincerely,



Ellen L. Weintraub  
Vice Chair

Enclosures  
Designation of Counsel Form  
Procedures  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**Respondent:** Diana Harcourt

**MUR:** 5366

**I. INTRODUCTION**

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). This information indicates that Diana Harcourt may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the information suggests that Ms. Harcourt may have been reimbursed for a contribution to John Edwards's presidential campaign committee, Edwards for President ("the Edwards Committee").

**II. FACTUAL AND LEGAL ANALYSIS**

According to disclosure reports filed with the Commission, Diana Harcourt contributed \$2,000 to the Edwards Committee on March 3, 2003. Those disclosure reports identify Ms. Harcourt as an employee of Turner & Associates, a litigation firm based in Little Rock, Arkansas, led by attorney Tab Turner. *See* <http://www.tturner.com>. On the same day as Ms. Harcourt's contribution, the Edwards Committee received three other contributions of \$2,000 each from individuals who also listed their employer as Turner & Associates.<sup>1</sup> All of these individuals listed their occupation as legal assistant, and none appears to have contributed to a federal candidate before that time. Three days before the employees made these contributions, Tab Turner himself contributed \$2,000 to the Edwards Committee.

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<sup>1</sup> The Edwards Committee refunded all of these contributions on April 17, 2003.

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Given the specific allegations of a reimbursement scheme by Tab Turner and his law firm, and given the reported comments from paralegals that Mr. Turner promised them reimbursements for their contributions, further investigation into this matter is warranted. If Ms. Harcourt's contribution was reimbursed, then Ms. Harcourt may have violated the Act, which prohibits any person from making a contribution in the name of another person, knowingly permitting his or her name to be used to effect contributions in the name of another person, and from knowingly assisting in making such contributions. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii). Therefore, there is reason to believe that Diana Harcourt violated 2 U.S.C. § 441f.

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<sup>2</sup> *See, e.g.,* Thomas Edsall and Dan Balz, *Edwards Returns Law Firm's Donations*, WASH POST, Apr. 18, 2003 at A1; Thomas Edsall, *Law Firm's Donations to Edwards Probed*, WASH POST, Apr. 24, 2003 at A4.